

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL ERIC PRESLEY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C12-5760 BHS

ORDER DENYING PLAINTIFF'S
MOTIONS FOR DISCOVERY

This matter comes before the Court on Paul Eric Presley's ("Presley") motions for discovery (Dkts. 4 & 5). The Court has considered the pleadings filed in support of and in opposition to the motions and the remainder of the file and hereby denies the motions without prejudice for the reasons stated herein.

On August 24, 2012, Presley filed a motion to vacate, set aside, or correct his criminal conviction. Dkt. 1. The motion is noted for consideration on November 2, 2012. On September 10, 2012, Presley filed a motion for discovery. Dkt. 4. On September 13, 2012, Presley filed a second motion for discovery. Dkt. 5. On September 20, 2012, the Government filed a response. Dkt. 6.

1 Once the government has responded to Presley's motion to vacate (Dkt. 1) and the
2 Court determines whether an evidentiary hearing and/or further discovery is necessary,
3 Presley can renew his motions for discovery.

4 Therefore, it is hereby **ORDERED** that Presley's motions for discovery (Dkts. 4
5 & 5) are **DENIED without prejudice**.

6 Dated this 5th day of October, 2012.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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